

**PUBLIC NOTICE
OF INTENT TO PROPOSE OR PROMULGATE
NEW OR CHANGED AGENCY RULES**

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
PO Box 83720, Boise, ID 83720-0036**

16.03.05 – Rule Governing Eligibility for Aid to the Aged, Blind and Disabled.

16-0305-0203 – Changes requirement for face-to-face interview to telephone interview; adds Medicaid coverage for certain eligible disabled aliens; clarifies definition of "room and board"; participant may require waiver services as a condition of eligibility for Home and Community Based Services; effective 1-1-03, income and resource exclusions for AABD will be used for eligibility determinations for both Qualified Medicare Beneficiary (QMB) eligibility and for Specified Low Income Medicare Beneficiary (SLMB) eligibility and SLBM III group is being eliminated.

16.03.09 – Rules Governing the Medical Assistance Program.

16-0309-0212 – Clarifies provider qualifications and updates terminology to read consistently within the Traumatic Brain Injury rules and with other Home and Community Based Services Waivers.

16-0309-0213 – Changes are effective 7-1-02 and comply with recent court ruling that only abortions to save the life of the mother or in cases of rape or incest will be covered through Medicaid and changes requirement to allow that only one physician is needed to certify the need for an abortion.

16-0309-0214 – Clarifies Medicaid prescription drug program and allows Medicaid to review brand name prescription drugs for medical necessity when there may be a less expensive and therapeutically interchangeable drug that might also be appropriate for the client's medical condition rather than list excluded drugs and drugs which must be prior authorized by the Department; and, except for medically necessary situations, requires that 75% of the estimated days supply of prescription medication be used before Medicaid will pay for a refill.

16-0309-0215 – Because of a reduction in Targeted Service Coordination and Early Periodic Screening, Diagnosis, and Treatment reimbursement, changes relax requirements for service coordinators in providing case management services by removing all caseload limit requirements and requirement for availability of a care coordinator on a 24 hour basis and makes different types of case management requirements more consistent; reduces ongoing Targeted Case Management (TCM) for the mentally ill from unlimited hours to a maximum of 4 hours per month and removes all caseload limit requirements and requirement for availability of a case manager on a 24 hour basis; crisis assistance will no longer be a required core element of TCM; reduces hours available for initial evaluation and service planning from 8 to 6 hours.

16-0309-0216 - Changes comply with legislative intent language, which defines Medicaid dental coverage for persons 21 years of age or older as "emergency services only", to rely on dentists and oral surgeons for determining when a dental emergency exists that requires immediate dental intervention.

16-0309-0217 – Replaces "Peer Review Organization" with "Quality Improvement Organization" per federal regulation; allows penalties to be assessed when timely review is not obtained from the Department prior to delivery of physician or outpatient procedures rather than for late submission only of review document to the QIO.

16-0309-0218 – Changes would discontinue Medicaid special reimbursement for care coordination for clients using Clozapine because providers are already reimbursed for managing client care and medications.

16.03.10 – Rules Governing Medicaid Provider Reimbursement in Idaho.

16-0310-0203 - Changes the methodology by which hospital rate and cost reimbursement settlements are set.

16-0310-0204 - Eliminates requirement that ICF/MR facilities must purchase wheelchairs for residents and will provide an incentive to facilities to admit wheelchair bound persons.

16.06.14 - Rules Governing the Prevention of Minors' Access to Tobacco Products.

****16-0614-0201** – Allows Department to refuse to renew a tobacco sales permit to a retailer who has unpaid civil money penalties for violations on the permit until fine is paid in full; adjusts the date used to determine the number of permits or retailers from January 1 of each year to December 31 of the previous year to provide the most accurate accounting of active retail permits during the prior year.

COMMENT PERIOD FOR THE PREVIOUS DOCKETS ENDS 12/25/02.

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
PO Box 7129, Boise ID 83707-1129**

39.03.41 – Rules Governing Traffic Control Devices.

39-0341-0201 - Updates the incorporation by reference and adopts the most recent MUTCD and identifies 19 specific exceptions that are necessary to bring it in line with Idaho Code, correct errors and accommodate Department operations and local transportation agencies. Comment by: 12/26/02.

39.03.63 - Rules Governing Traffic Accident Memorials.

39-0363-0201 - Changes remove gold star as the only allowable memorial; sets new guidelines for fabrication and placement of memorials; provides for removal on non-conforming memorials; requires adjacent property owners be notified before placement; sets guidelines for participants' safety when on state highways. Comment by: 12/26/02.

****PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR THIS DOCKET.**

Please refer to the Idaho Administrative Bulletin, **December 4, 2002, Volume 02-12** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

The Idaho Administrative Bulletin and Administrative Code are available on-line at:
<http://www2.state.id.us/adm/adminrules/>